

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2534 OF 1996

Karjat Nagarpalika Parishad .. Petitioner
VS.
Smt. Kamal Dilip Yadav & Anr. .. Respondents

None for Petitioner.

Ms Vaishali Nimbalkar -AGP for Respondent No. 2.

CORAM : M. S. SONAK, J.

DATE: 24 APRIL 2015

P.C. :-

1] This petition is directed against the judgment and order dated 7 December 1995 made by the District Judge, Raigad, Alibag in Misc. Appeal No. 61 of 1994.

2] This Court, by order dated 15 July 1997 granted interim relief in terms of prayer clause (c) by observing thus :

"In the present case the Nagar Parishad has passed a resolution on 24.1.997 to offer alternate premises to the Respondent No. 1 from Survey No. 70 Hissa No. 6 of Ghundge within the Karjat Municipal limits. Counsel for the Respondents on the last occasion made a statement that the petitioner should find out whether some other area could be considered. Counsel for the petitioner makes a statement that after discussing the matter with the officials of the Nagar Parishad it is not possible to do so.

2. In view of the fact that the Petitioner has been making provision for rehabilitation of the Respondent No. 1. Rule. Interim relief granted on 11th June, 1996 in terms of prayer (c) is confirmed."

3] Accordingly, the aforesaid position obtained from 15 July 1997 during the pendency of the civil suits before the Civil Judge, Junior Division at Karjat from the year 1994. By now, it is possible that the said civil suits have been disposed of. Even if, the civil suits are pending, it would not be appropriate, at this stage, to disturb the position prevailing from the year 1997, in view of the order made by this Court on 15 July 1997.

4] Accordingly, this petition is allowed and it is directed that pending the final disposal of the suits before the trial Court the position, which obtains by virtue of the order made by this Court on 15 July 1997 shall operate.

5] Since neither the petitioner nor the respondent no. 1 have appeared in the matter, the Registry to forward a copy of this order to the Court of the Civil Judge, Junior Division, Karjat in Regular Civil Suit Nos. 29 of 1994, 39 of 1994, 44 of 1994, 37 of 1994, 36 of 1994, 35 of 1994 and 33 of 1994 within a period of one month from today.

6] Writ petition is disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)